

### § 1410. Venue of cases ancillary to foreign proceedings

(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require the turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.

(Added Pub. L. 98-353, title I, §102(a), July 10, 1984, 98 Stat. 335.)

#### EFFECTIVE DATE

Section effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as a note under section 151 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1408 of this title.

### § 1411. Jury trials

(a) Except as provided in subsection (b) of this section, this chapter and title 11 do not affect any right to trial by jury that an individual has under applicable nonbankruptcy law with regard to a personal injury or wrongful death tort claim.

(b) The district court may order the issues arising under section 303 of title 11 to be tried without a jury.

(Added Pub. L. 98-353, title I, §102(a), July 10, 1984, 98 Stat. 335.)

#### EFFECTIVE DATE

Section effective July 10, 1984, except that subsec. (a) not applicable with respect to cases under Title 11, Bankruptcy, that are pending on July 10, 1984, or to proceedings arising in or related to such cases, see section 122(a), (b) of Pub. L. 98-353, set out as a note under section 151 of this title.

### § 1412. Change of venue

A district court may transfer a case or proceeding under title 11 to a district court for another district, in the interest of justice or for the convenience of the parties.

(Added Pub. L. 98-353, title I, §102(a), July 10, 1984, 98 Stat. 335.)

#### EFFECTIVE DATE

Section effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as a note under section 151 of this title.

## CHAPTER 89—DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS

Sec.  
1441. Actions removable generally.

Sec.  
1442. Federal officers sued or prosecuted.  
1442a. Members of armed forces sued or prosecuted.  
1443. Civil rights cases.  
1444. Foreclosure action against United States.  
1445. Nonremovable actions.  
1446. Procedure for removal.  
1447. Procedure after removal generally.  
1448. Process after removal.  
1449. State court record supplied.  
1450. Attachment or sequestration; securities.  
1451. Definitions.  
1452. Removal of claims related to bankruptcy cases.

#### AMENDMENTS

1984—Pub. L. 98-353, title I, §103(b), July 10, 1984, 98 Stat. 335, added item 1452.

1970—Pub. L. 91-358, title I, §172(d)(2), July 29, 1970, 84 Stat. 591, added item 1451.

1958—Pub. L. 85-554, §5(b), July 25, 1958, 72 Stat. 416, substituted “Nonremovable actions” for “Carriers; non-removable actions” in item 1445.

1956—Act Aug. 10, 1956, ch. 1041, §19(b), 70A Stat. 627, added item 1442a.

#### CROSS REFERENCES

Puerto Rico, removal of causes to United States District Court of Puerto Rico, see section 864 of Title 48, Territories and Insular Possessions.

#### CHAPTER REFERRED TO IN OTHER SECTION

This chapter is referred to in title 33 section 1323; title 39 section 409; title 42 section 7192.

### § 1441. Actions removable generally

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

(c) Whenever a separate and independent claim or cause of action within the jurisdiction conferred by section 1331 of this title is joined with one or more otherwise non-removable claims or causes of action, the entire case may be removed and the district court may determine all issues therein, or, in its discretion, may remand all matters in which State law predominates.

(d) Any civil action brought in a State court against a foreign state as defined in section 1603(a) of this title may be removed by the foreign state to the district court of the United States for the district and division embracing the place where such action is pending. Upon removal the action shall be tried by the court without jury. Where removal is based upon this subsection, the time limitations of section 1446(b) of this chapter may be enlarged at any time for cause shown.

(e) The court to which such civil action is removed is not precluded from hearing and determining any claim in such civil action because the State court from which such civil action is removed did not have jurisdiction over that claim.

(June 25, 1948, ch. 646, 62 Stat. 937; Oct. 21, 1976, Pub. L. 94-583, § 6, 90 Stat. 2898; June 19, 1986, Pub. L. 99-336, § 3(a), 100 Stat. 637; Nov. 19, 1988, Pub. L. 100-702, title X, § 1016(a), 102 Stat. 4669; Dec. 1, 1990, Pub. L. 101-650, title III, § 312, 104 Stat. 5114; Dec. 9, 1991, Pub. L. 102-198, § 4, 105 Stat. 1623.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 71, 114 (Mar. 3, 1911, ch. 231, §§ 28, 53, 36 Stat. 1094, 1101; Jan. 20, 1914, ch. 11, 38 Stat. 278; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54).

Section consolidates removal provisions of sections 71 and 114 of title 28, U.S.C., 1940 ed., and is intended to resolve ambiguities and conflicts of decisions.

Phrases such as “in suits of a civil nature, at law or in equity,” the words “case,” “cause,” “suit,” and the like have been omitted and the words “civil action” substituted in harmony with Rules 2 and 81(c) of the Federal Rules of Civil Procedure.

Ambiguous phrases such as “the District Court of the United States for the proper district” have been clarified by the substitution of the phrase “the district and division embracing the place where such action is pending.” (See *General Investment Co. v. Lake Shore & M.S. Ry. Co.*, 1922, 43 S.Ct. 107, 112, 260 U.S. 261, 67 L.Ed. 244 and cases cited therein.)

All the provisions with reference to removal of controversies between citizens of different States because of inability, from prejudice or local influence, to obtain justice, have been discarded. These provisions, born of the bitter sectional feelings engendered by the Civil War and the Reconstruction period, have no place in the jurisprudence of a nation since united by three wars against foreign powers. Indeed, the practice of removal for prejudice or local influence has not been employed much in recent years.

Subsection (c) has been substituted for the provision in section 71 of title 28, U.S.C., 1940 ed., “and when in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States.”

This quoted language has occasioned much confusion. The courts have attempted to distinguish between separate and separable controversies, a distinction which is sound in theory but illusory in substance. (See 41 Harv. L. Rev. 1048; 35 Ill. L. Rev. 576.)

Subsection (c) permits the removal of a separate cause of action but not of a separable controversy unless it constitutes a separate and independent claim or cause of action within the original jurisdiction of United States District Courts. In this respect it will somewhat decrease the volume of Federal litigation.

Rules 18, 20, and 23 of the Federal Rules of Civil Procedure permit the most liberal joinder of parties, claims, and remedies in civil actions. Therefore there will be no procedural difficulty occasioned by the removal of the entire action. Conversely, if the court so desires, it may remand to the State court all non-removable matters.

The provisions of section 71 of title 28, U.S.C., 1940 ed., with respect to removal of actions under the Federal Employer's Liability Act (U.S.C., 1940 ed., title 45, Railroads, §§ 51-60) and actions against a carrier for loss, damage, or delay to shipments under section 20 of title 49, U.S.C., 1940 ed., Transportation, are incorporated in section 1445 of this title.

#### AMENDMENTS

1991—Subsec. (c). Pub. L. 102-198 struck out comma after “title” and substituted “may” for “may may” before “remand”.

1990—Subsec. (c). Pub. L. 101-650 substituted “within the jurisdiction conferred by section 1331 of this title” for “, which would be removable if sued upon alone” and “may remand all matters in which State law predominates” for “remand all matters not otherwise within its original jurisdiction”.

1988—Subsec. (a). Pub. L. 100-702 inserted at end “For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.”

1986—Subsec. (e). Pub. L. 99-336 added subsec. (e).

1976—Subsec. (d). Pub. L. 94-583 added subsec. (d).

#### EFFECTIVE DATE OF 1986 AMENDMENT

Section 3(b) of Pub. L. 99-336 provided that: “The amendment made by this section [amending this section] shall apply with respect to claims in civil actions commenced in State courts on or after the date of the enactment of this section [June 19, 1986].”

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-583 effective 90 days after Oct. 21, 1976, see section 8 of Pub. L. 94-583, set out as an Effective Date note under section 1602 of this title.

#### FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules of Civil Procedure, see rule 81, Appendix to this title.

#### CROSS REFERENCES

Asian Development Bank, removal of actions against, see section 285f of Title 22, Foreign Relations and Intercourse.

Citizenship of corporations for purposes of this section, see section 1332 of this title.

Federal reserve banks and banking transactions, removal of actions involving, see section 632 of Title 12, Banks and Banking.

Inter-American Development Bank, removal of actions against, see section 283f of Title 22, Foreign Relations and Intercourse.

International Finance Corporation, removal of actions against, see section 282f of Title 22.

International Monetary Fund and International Bank for Reconstruction and Development, removal of actions against, see section 286g of Title 22.

International or foreign banking, removal of suits arising out of, see section 632 of Title 12, Banks and Banking.

Securities Act, cases not removable, see section 77v of Title 15, Commerce and Trade.

Stay of State court proceedings, see section 2283 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1332 of this title; title 33 section 1323.

### § 1442. Federal officers sued or prosecuted

(a) A civil action or criminal prosecution commenced in a State court against any of the following persons may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

(2) A property holder whose title is derived from any such officer, where such action or prosecution affects the validity of any law of the United States.

(3) Any officer of the courts of the United States, for any act under color of office or in the performance of his duties;

(4) Any officer of either House of Congress, for any act in the discharge of his official duty under an order of such House.

(b) A personal action commenced in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States and is a nonresident of such State, wherein jurisdiction is obtained by the State court by personal service of process, may be removed by the defendant to the district court of the United States for the district and division in which the defendant was served with process.

(June 25, 1948, ch. 646, 62 Stat. 938.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§76 and 77 (Mar. 3, 1911, ch. 231, §§33, 34, 36 Stat. 1097, 1098; Aug. 23, 1916, ch. 399, 39 Stat. 532).

Section consolidates sections 76 and 77 of title 28, U.S.C., 1940 ed.

The revised subsection (a)(1) is extended to apply to all officers and employees of the United States or any agency thereof. Section 76 of title 28, U.S.C., 1940 ed., was limited to revenue officers engaged in the enforcement of the criminal or revenue laws.

The procedural provisions of section 76 of title 28, U.S.C., 1940 ed., are incorporated in sections 1446 and 1447 of this title. (See reviser's notes under those sections.)

Changes were made in phraseology.

#### FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules of Civil Procedure to removed actions, see rule 81, Appendix to this title.

Continuation of section under rule 81, see note by Advisory Committee under rule 81.

#### CROSS REFERENCES

Senate or House, suits against officers of, removal provisions applicable, see section 118 of Title 2, The Congress.

Stay of State court proceedings, see section 2283 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 sections 1452, 2279aa-14.

### § 1442a. Members of armed forces sued or prosecuted

A civil or criminal prosecution in a court of a State of the United States against a member of the armed forces of the United States on account of an act done under color of his office or status, or in respect to which he claims any right, title, or authority under a law of the United States respecting the armed forces thereof, or under the law of war, may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States for the district where it is pending in the manner prescribed by law, and it shall thereupon be entered on the docket of the district court, which shall proceed as if the cause had been originally commenced therein and

shall have full power to hear and determine the cause.

(Added Aug. 10, 1956, ch. 1041, §19(a), 70A Stat. 626.)

#### DERIVATION

Section was from the Uniform Code of Military Justice, act May 5, 1950, ch. 169, §9, 64 Stat. 146, which was based on Article 117, Articles of War, act June 4, 1920, ch. 227, subch. II, §1, 41 Stat. 811, as amended June 24, 1948, ch. 625, title II, §242, 62 Stat. 642.

### § 1443. Civil rights cases

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

(June 25, 1948, ch. 646, 62 Stat. 938.)

#### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §74 (Mar. 3, 1911, ch. 231, §31, 36 Stat. 1096).

Other provisions of section 74 of title 28, U.S.C., 1940 ed., are incorporated in sections 1446 and 1447 of this title.

Words "or in the part of the State where such suit or prosecution is pending" after "courts of such States," were omitted as unnecessary.

Changes were made in phraseology.

#### FEDERAL RULES OF CIVIL PROCEDURE

Application of rules, see rule 81, Appendix to this title.

Continuation of section under rule 81, see note by Advisory Committee under rule 81.

#### CROSS REFERENCES

Stay of State court proceedings, see section 2283 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1447 of this title.

### § 1444. Foreclosure action against United States

Any action brought under section 2410 of this title against the United States in any State court may be removed by the United States to the district court of the United States for the district and division in which the action is pending.

(June 25, 1948, ch. 646, 62 Stat. 938; May 24, 1949, ch. 139, §82, 63 Stat. 101.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on title 28, U.S.C., 1940 ed., §903 (Mar. 4, 1931, ch. 515, §3, 46 Stat. 1529).

The procedural provisions of section 903 of title 28, U.S.C., 1940 ed., were omitted as covered by section 1446 of this title.

Changes were made in phraseology.

## 1949 ACT

This section corrects typographical errors in section 1444 of title 28, U.S.C.

## AMENDMENTS

1949—Act May 24, 1949, inserted “court” between “State” and “may”, and substituted “division” for “divisions”.

## CROSS REFERENCES

Actions affecting property on which United States has a lien, see section 2410 of this title.

Stay of State court proceedings, see section 2283 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2410 of this title; title 26 section 7424.

## § 1445. Nonremovable actions

(a) A civil action in any State court against a railroad or its receivers or trustees, arising under sections 51–60 of Title 45, may not be removed to any district court of the United States.

(b) A civil action in any State court against a carrier or its receivers or trustees to recover damages for delay, loss, or injury of shipments, arising under section 11706 or 14706 of title 49, may not be removed to any district court of the United States unless the matter in controversy exceeds \$10,000, exclusive of interest and costs.

(c) A civil action in any State court arising under the workmen’s compensation laws of such State may not be removed to any district court of the United States.

(d) A civil action in any State court arising under section 40302 of the Violence Against Women Act of 1994 may not be removed to any district court of the United States.

(June 25, 1948, ch. 646, 62 Stat. 939; July 25, 1958, Pub. L. 85–554, § 5, 72 Stat. 415; Oct. 17, 1978, Pub. L. 95–473, § 2(a)(3)(A), 92 Stat. 1465; Oct. 20, 1978, Pub. L. 95–486, § 9(b), 92 Stat. 1634; Sept. 13, 1994, Pub. L. 103–322, title IV, § 40302(e)(5), 108 Stat. 1942; Dec. 29, 1995, Pub. L. 104–88, title III, § 305(b), 109 Stat. 944.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 71 (Mar. 3, 1911, ch. 231, § 28, 36 Stat. 1094; Jan. 20, 1914, ch. 11, 38 Stat. 278; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54).

The words “or its receivers or trustees” were inserted in both subsections to make clear that nonremovable actions against a carrier do not become removable under section 1442 of this title when filed against court receivers or trustees.

This was the unquestioned rule prior to the act of Aug. 23, 1916, ch. 399, 39 Stat. 532, amending section 76 of title 28, U.S.C., 1940 ed., and permitting removal of actions against officers of United States courts. The cases are in conflict as to whether under that amendment the case becomes removable when the carrier is in receivership or undergoing reorganization. The revised section resolves the conflict by denying the right of removal to receivers and trustees where it would be nonexistent if the carrier were the party defendant. Thus the subject matter rather than legalistic distinctions as to the identity of the parties is made determinative consideration.

A reference in section 71 of title 28, U.S.C., 1940 ed., to sections 51–59 of title 45, U.S.C., 1940 ed., Railroads, was changed to “51–60.” Such sections 51–59 embraced all of chapter 2 of said title 45 when the law on which

such section 71 is based was enacted, but a new section (60) was added in 1939.

Other provisions of section 71 of title 28, U.S.C., 1940 ed., appear in section 1441 of this title.

Changes were made in phraseology.

## REFERENCES IN TEXT

Sections 51–60 of Title 45, referred to in subsec. (a), are based on act Apr. 22, 1908, ch. 149, 35 Stat. 65, as amended, which is popularly known as the Employer’s Liability Act.

Section 40302 of the Violence Against Women Act of 1994, referred to in subsec. (d), is classified to section 13981 of Title 42, The Public Health and Welfare.

## AMENDMENTS

1995—Subsec. (b). Pub. L. 104–88 substituted “carrier” for “common carrier” and “11706 or 14706” for “11707”.

1994—Subsec. (d). Pub. L. 103–322 added subsec. (d).

1978—Subsec. (b). Pub. L. 95–486 substituted “\$10,000” for “\$3,000”.

Pub. L. 95–473 substituted “section 11707 of title 49” for “section 20 of Title 49”.

1958—Pub. L. 85–554 substituted “Nonremovable actions” for “Carriers; nonremovable actions” in section catchline and added subsec. (c).

## EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

## EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–554 applicable only in the case of actions commenced after July 25, 1958, see section 3 of Pub. L. 85–554, set out as a note under section 1331 of this title.

## CROSS REFERENCES

Stay of State court proceedings, see section 2283 of this title.

## § 1446. Procedure for removal

(a) A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

(b) The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

If the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year after commencement of the action.

(c)(1) A notice of removal of a criminal prosecution shall be filed not later than thirty days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the petitioner leave to file the notice at a later time.

(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds which exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

(d) Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

(e) If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such State court.

(f) With respect to any counterclaim removed to a district court pursuant to section 337(c) of the Tariff Act of 1930, the district court shall resolve such counterclaim in the same manner as an original complaint under the Federal Rules of Civil Procedure, except that the payment of a filing fee shall not be required in such cases and the counterclaim shall relate back to the date of the original complaint in the proceeding before the International Trade Commission under section 337 of that Act.

(June 25, 1948, ch. 646, 62 Stat. 939; May 24, 1949, ch. 139, §83, 63 Stat. 101; Sept. 29, 1965, Pub. L. 89-215, 79 Stat. 887; July 30, 1977, Pub. L. 95-78, §3, 91 Stat. 321; Nov. 19, 1988, Pub. L. 100-702, title X, §1016(b), 102 Stat. 4669; Dec. 9, 1991, Pub. L. 102-198, §10(a), 105 Stat. 1626; Dec. 8, 1994, Pub. L. 103-465, title III, §321(b)(2), 108 Stat. 4946.)

#### HISTORICAL AND REVISION NOTES 1948 ACT

Based on title 28, U.S.C., 1940 ed., §§72, 74, 75, 76 (May 3, 1911, ch. 231, §§29, 31, 32, 33, 36 Stat. 1095, 1097; Aug. 23, 1916, ch. 399, 39 Stat. 532; July 30, 1977, Pub. L. 95-78, §3, 91 Stat. 321.)

Section consolidates portions of sections 74, 75, and 76 with section 72 of title 28, U.S.C., 1940 ed., with important changes of substance and phraseology.

Subsection (a), providing for the filing of the removal petition in the district court, is substituted for the requirement of sections 72 and 74 of title 28, U.S.C., 1940 ed., that the petition be filed in the State court. This conforms to the method prescribed by section 76 of title 28, U.S.C., 1940 ed., and to the recommendation of United States District Judges Calvin W. Chesnut and T. Waties Warring approved by the Committee of the Judicial Conference on the Revision of the Judicial Code.

Subsection (b) makes uniform the time for filing petitions to remove all civil actions within twenty days after commencement of action or service of process whichever is later, instead of "at any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead" as required by section 72 of title 28, U.S.C., 1940 ed. As thus revised, the section will give adequate time and operate uniformly throughout the Federal jurisdiction. The provisions of sections 74 and 76 of title 28, U.S.C., 1940 ed., for filing at any time "before trial or final hearing" in civil rights cases and cases involving revenue officers, court officers and officers of either House of Congress were omitted.

Subsection (c) embodies the provisions of sections 74 and 76 of title 28, U.S.C., 1940 ed., for filing the removal petition before trial and makes them applicable to all criminal prosecutions but not to civil actions. This provision was retained to protect Federal officers enforcing revenue or criminal laws from being rushed to trial in State courts before petition for removal could be filed. Words "or final hearing" following the words "before trial," were omitted for purposes of clarity and simplification of procedure.

The provision of said section 76 of title 28, U.S.C., 1940 ed., for certificate of counsel that he has examined the proceedings and carefully inquired into all matters set forth in the petition and believes them to be true, was omitted as unnecessary and inconsistent with Rule 11 of the Federal Rules of Civil Procedure.

Subsection (d) is derived from sections 72 and 74 of title 28, U.S.C., 1940 ed., but the requirement for cost bond is limited to civil actions in conformity with the more enlightened trend of modern procedure to remove all unnecessary impediments to the administration of criminal justice. Provisions of said section 72 as to the conditions of the bond were rewritten because inappropriate when the petition for removal is filed in the Federal court.

Subsection (e) provides for notice to the adverse parties and for the filing in the State court of a copy of the petition for removal in substitution for the requirements of sections 72 and 74 of title 28, U.S.C., 1940 ed., for the filing of the removal petition in the State court. The last sentence of subsection (e) is derived from sections 72, 74 and 76 of title 28, U.S.C., 1940 ed.

Subsection (f) is derived from sections 75 and 76 of title 28, U.S.C., 1940 ed.

Since the procedure in removal cases is now governed by the Federal Rules of Civil Procedure [Rule 81(c)] and Federal Rules of Criminal Procedure [Rule 54(b)], the detailed directions of the various sections with respect to such procedure were omitted as unnecessary.

Thus the provision of section 72 of title 28, U.S.C., 1940 ed., with respect to appearance, special bail and filing the record were omitted as covered by the Federal Rules of Civil Procedure, Rules 64, 81(c).

The provisions of section 74 of title 28, U.S.C., 1940 ed., as to the effect of security and other proceedings and remedies in the State court were omitted as covered by section 1450 of this title.

The requirements of section 74 of title 28, U.S.C., 1940 ed., that the clerk of the State court shall furnish copies of pleadings and proceedings to the petitioner and that the petitioner shall file the same in the district court are covered by section 1447 of this title.

The provisions of section 74 of title 28, U.S.C., 1940 ed., requiring the adverse parties to plead anew in the district court were omitted as unnecessary in view of Federal Rules of Civil Procedure, Rule 81(c). The last sentence of such section was omitted as covered by section 1447(d) of this title.

#### 1949 ACT

Subsection (b) of section 1446 of title 28, U.S.C., as revised, has been found to create difficulty in those States, such as New York, where suit is commenced by the service of a summons and the plaintiff's initial pleading is not required to be served or filed until later.

The first paragraph of the amendment to subsection (b) corrects this situation by providing that the petition for removal need not be filed until 20 days after the defendant has received a copy of the plaintiff's initial pleading.

This provision, however, without more, would create further difficulty in those States, such as Kentucky, where suit is commenced by the filing of the plaintiff's initial pleading and the issuance and service of a summons without any requirement that a copy of the pleading be served upon or otherwise furnished to the defendant. Accordingly the first paragraph of the amendment provides that in such cases the petition for removal shall be filed within 20 days after the service of the summons.

The first paragraph of the amendment conforms to the amendment of rule 81(c) of the Federal Rules of Civil Procedure, relating to removed actions, adopted by the Supreme Court on December 29, 1948, and reported by the Court to the present session of Congress.

The second paragraph of the amendment to subsection (b) is intended to make clear that the right of removal may be exercised at a later stage of the case if the initial pleading does not state a removable case but its removability is subsequently disclosed. This is declaratory of the existing rule laid down by the decisions. (See for example, *Powers v. Chesapeake etc., Ry. Co.*, 169 U.S. 92.)

In addition, this amendment clarifies the intent of section 1446(e) of title 28, U.S.C., to indicate that notice need not be given simultaneously with the filing, but may be given promptly thereafter.

#### REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subssecs. (a) and (f), are set out in the Appendix to this title.

Section 337 of the Tariff Act of 1930, referred to in subsec. (f), is classified to section 1337 of Title 19, Customs Duties.

#### AMENDMENTS

1994—Subsec. (f). Pub. L. 103-465 added subsec. (f).

1991—Subsec. (c)(1). Pub. L. 102-198, §10(a)(1), (4), substituted “notice of” for “petition for” and “the notice” for “the petition”.

Subsec. (c)(2). Pub. L. 102-198, §10(a)(1), (4), substituted “notice of” for “petition for” and substituted “notice” for “petition” in three places.

Subsec. (c)(3). Pub. L. 102-198, §10(a)(1), (2), substituted “notice of” for “petition for” and “prosecution is first remanded” for “petition is first denied”.

Subsec. (c)(4), (5). Pub. L. 102-198, §10(a)(3), added pars. (4) and (5) and struck out former pars. (4) and (5) which read as follows:

“(4) The United States district court to which such petition is directed shall examine the petition promptly. If it clearly appears on the face of the petition and any exhibits annexed thereto that the petition for removal should not be granted, the court shall make an order for its summary dismissal.

“(5) If the United States district court does not order the summary dismissal of such petition, it shall order an evidentiary hearing to be held promptly and after such hearing shall make such disposition of the petition as justice shall require. If the United States district court determines that such petition shall be granted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.”

Subsec. (d). Pub. L. 102-198, §10(a)(1), (4), (5), substituted “notice of removal” for “petition for the removal”, struck out “and bond” after “civil action”, and substituted “notice with” for “petition with”.

1988—Subsec. (a). Pub. L. 100-702, §1016(b)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a verified petition containing a short and plain statement of the facts which entitle him or them to removal together with a copy of all process, pleadings and orders served upon him or them in such action.”

Subsec. (b). Pub. L. 100-702, §1016(b)(2), substituted “notice of removal” for “petition for removal” in two places and inserted before period at end of second par. “”, except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year after commencement of the action”.

Subsecs. (d) to (f). Pub. L. 100-702, §1016(b)(3), redesignated subssecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which read as follows: “Each petition for removal of a civil action or proceeding, except a petition in behalf of the United States, shall be accompanied by a bond with good and sufficient surety conditioned that the defendant or defendants will pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the case was not removable or was improperly removed.”

1977—Subsec. (c). Pub. L. 95-78, §3(a), designated existing provisions as par. (1), set a period of 30 days as the maximum allowable time prior to commencement of trial and following arraignment during which time a petition for removal can be filed, provided for the grant of additional time for good cause shown, and added pars. (2) to (5).

Subsec. (e). Pub. L. 95-78, §3(b), inserted “for the removal of a civil action” after “filing of such petition”.

1965—Subsec. (b). Pub. L. 89-215 substituted “thirty days” for “twenty days” wherever appearing.

1949—Subsec. (b). Act May 24, 1949, §83(a), provided that the petition for removal need not be filed until 20 days after the defendant has received a copy of the plaintiff's initial pleading, and provided that the petition for removal shall be filed within 20 days after the service of summons.

Subsec. (e). Act May 24, 1949, §83(b), indicated that notice need not be given simultaneously with the filing, but may be made promptly thereafter.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 applicable with respect to complaints filed under section 1337 of Title 19, Customs Duties, on or after the date on which the World Trade Organization Agreement enters into force with respect to the United States [Jan. 1, 1995], or in cases under section 1337 of Title 19 in which no complaint is filed, with respect to investigations initiated under such section on or after such date, see section 322 of Pub. L. 103-465, set out as a note under section 1337 of Title 19.

#### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-78 effective Oct. 1, 1977, see section 4 of Pub. L. 95-78, set out as an Effective Date of Pub. L. 95-78 note under section 3771 of Title 18, Crimes and Criminal Procedure.

## FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules of Civil Procedure, see rule 81, Appendix to this title.

Continuation of section under rule 81, see note by Advisory Committee under rule 81.

## CROSS REFERENCES

Stay of State court proceedings, see section 2283 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1441, 1447 of this title; title 19 section 3473; title 22 sections 283gg, 290i–7, 290k–9, 290m; title 25 sections 487, 610c, 642, 670; title 42 section 2210.

**§ 1447. Procedure after removal generally**

(a) In any case removed from a State court, the district court may issue all necessary orders and process to bring before it all proper parties whether served by process issued by the State court or otherwise.

(b) It may require the removing party to file with its clerk copies of all records and proceedings in such State court or may cause the same to be brought before it by writ of certiorari issued to such State court.

(c) A motion to remand the case on the basis of any defect in removal procedure must be made within 30 days after the filing of the notice of removal under section 1446(a). If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal. A certified copy of the order of remand shall be mailed by the clerk to the clerk of the State court. The State court may thereupon proceed with such case.

(d) An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.

(e) If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.

(June 25, 1948, ch. 646, 62 Stat. 939; May 24, 1949, ch. 139, §84, 63 Stat. 102; July 2, 1964, Pub. L. 88–352, title IX, §901, 78 Stat. 266; Nov. 19, 1988, Pub. L. 100–702, title X, §1016(c), 102 Stat. 4670; Dec. 9, 1991, Pub. L. 102–198, §10(b), 105 Stat. 1626.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 28, U.S.C., 1940 ed., §§71, 72, 74, 76, 80, 81 and 83 (Mar. 3, 1911, ch. 231, §§28, 29, 31, 33, 37 and 38, 36 Stat. 1094–1098; Jan. 20, 1914, ch. 11, 39 Stat. 278; Aug. 23, 1916, ch. 399, 39 Stat. 532; Apr. 16, 1920, ch. 146, 41 Stat. 554; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54).

Section consolidates procedural provisions of sections 71, 72, 74, 76, 80, 81 and 83 of title 28, U.S.C., 1940 ed., with important changes in substance and phraseology.

Subsection (a) is derived from sections 72, 76, 81 and 83 of title 28, U.S.C., 1940 ed. The remaining provisions

of said section 83 are the basis of section 1448 of this title.

Subsection (b) is derived from sections 72, 74, 76 and 83 of title 28, U.S.C., 1940 ed., which have been rewritten to provide the utmost simplicity and flexibility of procedure in bringing the State court record to the district court.

[*Editorial Note.*—Subsecs. (c), (d) and (e) as originally revised and incorporated in this section read as follows: “(c) It may order the pleadings recast and the parties realigned according to their real interest.

“(d) If any party fails to comply with its lawful orders, the district court may enter such further orders and judgments as justice requires.

“(e) If at any time before final judgment it appears that the case was removed improvidently and without jurisdiction, the district court shall remand the case. A certified copy of the order of remand shall be mailed by its clerk to the clerk of the State court. The State court may thereupon proceed with such case.”]

Subsections (c) and (d) are substituted for unnecessary and inconsistent procedural provisions.

Subsection (e) [now subsec. (c)] is derived from sections 71 and 80 of title 28, U.S.C., 1940 ed. Such subsection is rewritten to eliminate the cumbersome procedure of remand. Under this chapter as revised, the petition for removal under section 1446 of this chapter will be filed in the Federal court in the first instance and the right of removal determined in that court before the petition is granted.

The provisions in section 80 of title 28, U.S.C., 1940 ed., relating to actions commenced in district courts, as distinguished from actions removed thereto, are incorporated in section 1359 of this title. Other provisions of said section 80 appear in section 1919 of this title.

## 1949 ACT

This section strikes out subsections (c) and (d) of section 1447 of title 28, U.S.C., as covered by the Federal Rules of Civil Procedure, and adds a new subsection to such section 1447 to remove any doubt that the former law as to the finality of an order of remand to a State court is continued. This section also amends renumbered subsection (c) to remove any doubt that the former law authorizing the district court upon remand to order payment of costs is continued.

## AMENDMENTS

1991—Subsec. (b). Pub. L. 102–198 substituted “removing party” for “petitioner”.

1988—Subsec. (c). Pub. L. 100–702, §1016(c)(1), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “If at any time before final judgment it appears that the case was removed improvidently and without jurisdiction, the district court shall remand the case, and may order the payment of just costs. A certified copy of the order of remand shall be mailed by its clerk to the clerk of the State court. The State court may thereupon proceed with such case.”

Subsec. (e). Pub. L. 100–702, §1016(c)(2), added subsec. (e).

1964—Subsec. (d). Pub. L. 88–352, inserted exception provision.

1949—Subsec. (c). Act May 24, 1949, §84(a), struck out former subsecs. (c) and (d), renumbered former subsec. (e) to be subsec. (c) and inserted at end of first sentence of new subsec. (c) “and may order the payment of just costs”.

Subsec. (d). Act May 24, 1949, §84(b), added subsec. (d).

## EXCEPTION TO SUBSECTION (d)

Act Aug. 4, 1947, ch. 458, §3(c), 61 Stat. 732, provides in part that the United States shall have the right to appeal from any order of remand entered in any case removed to a United States district court pursuant to the provisions of act Apr. 12, 1926, ch. 115, 44 Stat. 239. These acts referred to herein relate to restrictions on land of the Five Civilized Tribes of Oklahoma and are set out as notes under section 355 of Title 25, Indians.

## FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules, see rule 81, Appendix to this title.

## CROSS REFERENCES

Amendment of pleadings to show jurisdiction, see section 1653 of this title.

Parties collusively joined or made, see section 1359 of this title.

Stay of State court proceedings, see section 2283 of this title.

**§ 1448. Process after removal**

In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process or in which the service has not been perfected prior to removal, or in which process served proves to be defective, such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.

This section shall not deprive any defendant upon whom process is served after removal of his right to move to remand the case.

(June 25, 1948, ch. 646, 62 Stat. 940.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §83 (Apr. 16, 1920, ch. 146, 41 Stat. 554).

Words "district court of the United States" were substituted for "United States Court," because only the district courts now possess jurisdiction over removed civil and criminal cases.

Changes were made in phraseology.

## FEDERAL RULES OF CIVIL PROCEDURE

Application of Rules, see rule 81, Appendix to this title.

## CROSS REFERENCES

Power of district court to bring before it proper parties, whether or not served with State court process, see section 1447 of this title.

**§ 1449. State court record supplied**

Where a party is entitled to copies of the records and proceedings in any suit or prosecution in a State court, to be used in any district court of the United States, and the clerk of such State court, upon demand, and the payment or tender of the legal fees, fails to deliver certified copies, the district court may, on affidavit reciting such facts, direct such record to be supplied by affidavit or otherwise. Thereupon such proceedings, trial, and judgment may be had in such district court, and all such process awarded, as if certified copies had been filed in the district court.

(June 25, 1948, ch. 646, 62 Stat. 940; May 24, 1949, ch. 139, §85, 63 Stat. 102.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 28, U.S.C., 1940 ed., §78 (Mar. 3, 1911, ch. 231, §35, 36 Stat. 1098).

Changes were made in phraseology.

## 1949 ACT

This section corrects a typographical error by eliminating from section 1449 of title 28, U.S.C., the words "any attachment or sequestration of the", which had

been inadvertently included, and inserting in lieu thereof the words, "and the clerk of such State court, upon".

## AMENDMENTS

1949—Act May 24, 1949, substituted "and the clerk of such State court, upon" for "any attachment or sequestration of the".

## FEDERAL RULES OF CIVIL PROCEDURE

Continuation of former sections 78 and 82, see note by Advisory Committee under rule 81, Appendix to this title.

## CROSS REFERENCES

Writs of certiorari to State courts, see section 1447 of this title.

**§ 1450. Attachment or sequestration; securities**

Whenever any action is removed from a State court to a district court of the United States, any attachment or sequestration of the goods or estate of the defendant in such action in the State court shall hold the goods or estate to answer the final judgment or decree in the same manner as they would have been held to answer final judgment or decree had it been rendered by the State court.

All bonds, undertakings, or security given by either party in such action prior to its removal shall remain valid and effectual notwithstanding such removal.

All injunctions, orders, and other proceedings had in such action prior to its removal shall remain in full force and effect until dissolved or modified by the district court.

(June 25, 1948, ch. 646, 62 Stat. 940.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §79 (Mar. 3, 1911, ch. 231, §36, 36 Stat. 1098).

Changes were made in phraseology.

## FEDERAL RULES OF CIVIL PROCEDURE

Attachment or sequestration in federal court after removal, see rule 64, Appendix to this title.

Continuation of section, see note by Advisory Committee under rule 81.

Jury trial in removal actions, see rule 81.

**§ 1451. Definitions**

For purposes of this chapter—

(1) The term "State court" includes the Superior Court of the District of Columbia.

(2) The term "State" includes the District of Columbia.

(Added Pub. L. 91-358, title I, §172(d)(1), July 29, 1970, 84 Stat. 591.)

## EFFECTIVE DATE

Section effective first day of seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91-358, set out as an Effective Date of 1970 Amendment note under section 1257 of this title.

**§ 1452. Removal of claims related to bankruptcy cases**

(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power,



to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise by the court of appeals under section 158(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title.

(Added Pub. L. 98-353, title I, §103(a), July 10, 1984, 98 Stat. 335; amended Pub. L. 101-650, title III, §309(c), Dec. 1, 1990, 104 Stat. 5113.)

#### AMENDMENTS

1990—Subsec. (b). Pub. L. 101-650 inserted before period at end “by the court of appeals under section 158(d), 1291, or 1292 of this title or by the Supreme Court of the United States under section 1254 of this title”.

#### EFFECTIVE DATE

Section effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as a note under section 151 of this title.

### [CHAPTER 90—OMITTED]

#### CODIFICATION

Chapter 90, consisting of sections 1471 to 1482, which was added by Pub. L. 95-598, title II, §241(a), Nov. 6, 1978, 92 Stat. 2668, and which related to district courts and bankruptcy courts, did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

#### TRANSITION TO NEW COURT SYSTEM

Pub. L. 95-598, title IV, §409, Nov. 6, 1978, 92 Stat. 2687, as amended by Pub. L. 98-249, §1(d), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98-271, §1(d), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98-299, §1(d), May 25, 1984, 98 Stat. 214; Pub. L. 98-325, §1(d), June 20, 1984, 98 Stat. 268; Pub. L. 98-353, title I, §121(d), July 10, 1984, 98 Stat. 346, which provided for transfer to the new court system of cases, and matters and proceedings in cases, under the Bankruptcy Act [former Title 11] pending at the end of Sept. 30, 1983, in the courts of bankruptcy continued under section 404(a) of Pub. L. 95-598, with certain exceptions, and cases and proceedings arising under or related to cases under Title 11 pending at the end of July 9, 1984, and directed that civil actions pending on July 9, 1984, over which a bankruptcy court had jurisdiction on July 9, 1984, not abate, but continuation of such actions not finally determined before Apr. 1, 1985, be removed to a bankruptcy court under this chapter, and that all law books, publications, etc., furnished bankruptcy judges as of July 9, 1984, be transferred to the United States bankruptcy courts under the supervision of the Director of the Administrative Office of the United States Courts, was repealed by Pub. L. 98-353, title I, §122(a), July 10, 1984, 98 Stat. 343, 346, eff. July 10, 1984.

### CHAPTER 91—UNITED STATES COURT OF FEDERAL CLAIMS

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|---|---|
| Sec.<br>1491.<br><br>1492.<br>[1493.<br>1494. | Claims against United States generally; actions involving Tennessee Valley Authority.<br><br>Congressional reference cases.<br>Repealed.]<br>Accounts of officers, agents or contractors. |
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| Sec.<br>1495.<br><br>1496.<br>1497.<br><br>1498.<br>1499.<br><br>1500.<br>1501.<br>1502.<br>1503.<br>[1504.<br>1505.<br>[1506.<br>1507.<br><br>1508.<br><br>1509. | Damages for unjust conviction and imprisonment; claim against United States.<br>Disbursing officers' claims.<br>Oyster growers' damages from dredging operations.<br>Patent and copyright cases.<br>Liquidated damages withheld from contractors under Contract Work Hours and Safety Standards Act.<br>Pendency of claims in other courts.<br>Pensions.<br>Treaty cases.<br>Set-offs.<br>Repealed.]<br>Indian claims.<br>Repealed.]<br>Jurisdiction for certain declaratory judgments.<br>Jurisdiction for certain partnership proceedings.<br>No jurisdiction in cases involving refunds of tax shelter promoter and understatement penalties. |
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#### HISTORICAL AND REVISION NOTES

##### 1949 ACT

This section inserts in the analysis of chapter 91 of title 28, U.S.C., item 1505, corresponding to new section 1505.

#### AMENDMENTS

1992—Pub. L. 102-572, title IX, §902(a)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “UNITED STATES COURT OF FEDERAL CLAIMS” for “UNITED STATES CLAIMS COURT” as chapter heading.

1984—Pub. L. 98-369, div. A, title VII, §714(g)(3), July 18, 1984, 98 Stat. 962, added item 1509.

1982—Pub. L. 97-248, title IV, §402(c)(18)(B), Sept. 3, 1982, 96 Stat. 669, added item 1508.

Pub. L. 97-164, title I, §133(e)(2)(B), (f), (h), (j)(2), Apr. 2, 1982, 96 Stat. 41, substituted “UNITED STATES CLAIMS COURT” for “COURT OF CLAIMS” in chapter heading, substituted “Liquidated damages withheld from contractors under Contract Work Hours and Safety Standards Act” for “Penalties imposed against contractors under eight hour law” in item 1499, and struck out items 1504 “Tort Claims” and 1506 “Transfer to cure defect of jurisdiction”.

1976—Pub. L. 94-455, title XIII, §1306(b)(9)(B), Oct. 4, 1976, 90 Stat. 1720, added item 1507.

1960—Pub. L. 86-770, §2(b), Sept. 13, 1960, 74 Stat. 912, added item 1506.

Pub. L. 86-726, §4, Sept. 8, 1960, 74 Stat. 856, substituted “Patent and copyright cases” for “Patent cases” in item 1498.

1954—Act Sept. 3, 1954, ch. 1263, §43, 68 Stat. 1241, inserted “; actions involving Tennessee Valley Authority” in item 1491 and struck out item 1493 “Departmental reference cases”.

1949—Act May 24, 1949, ch. 139, §86, 63 Stat. 102, added item 1505.

#### RULES OF THE UNITED STATES COURT OF FEDERAL CLAIMS

See Appendix to this title.

#### CROSS REFERENCES

District courts, concurrent jurisdiction of actions or claims not exceeding \$10,000, see section 1346 of this title.

Organization of Court of Federal Claims, see section 171 et seq. of this title.

Procedure in Court of Federal Claims, see section 2501 et seq. of this title.

### § 1491. Claims against United States generally; actions involving Tennessee Valley Authority

(a)(1) The United States Court of Federal Claims shall have jurisdiction to render judg-